

Item W07-06 Response Form

Title: Probate: Professional Guardian and Conservator Reporting Forms (revise Judicial Council forms GC-005 and GC-006)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, January 26, 2007
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee.
All comments will become part of the public record of the council's action.

Invitation to Comment W07-06

Title	Probate: Professional Guardian and Conservator Reporting Forms (revise Judicial Council forms GC-005 and GC-006)
Summary	Forms GC-005 and GC-006 were designed to show compliance by private professional guardians and conservators with the qualification (form GC-005) and continuing education (form GC-006) requirements of rules 7.1010 and 7.1060 of the California Rules of Court. The changes proposed for these forms correspond to changes made in those rules effective January 1, 2007, changes that were made necessary or appropriate by the Omnibus Conservatorship and Guardianship Reform Act of 2006 (“the Act”). ¹ The changes in the forms are intended to clarify their use during the 18-month transition period before the forms and rules 7.1010 and 7.1060 are entirely replaced by the professional fiduciary licensing provisions of the Act.
Source	Probate and Mental Health Advisory Committee Hon. Don Edward Green, Chair
Staff	Douglas C. Miller (415) 865-7535 douglas.miller@jud.ca.gov
Discussion	<p>The <i>Declaration of Private Professional Conservator or Guardian—Qualifications</i> (form GC-005) and the <i>Declaration of Private Professional Conservator or Guardian—Continuing Education</i> (form GC-006) were recently adopted by the Judicial Council, effective July 1, 2006. These forms must be used by private professional guardians or conservators to show appointing courts that they are qualified under, and have completed the continuing education required by, rules 7.1010 (guardians) or 7.1060 (conservators).</p> <p>Effective July 1, 2008, the Act will replace Probate Code sections 2340–2344, the statutory basis for these rules and forms, with a comprehensive licensing system for private professional guardians, conservators, and other professional fiduciaries. The licensing agency will be a new Professional Fiduciaries Bureau in the executive branch of state government. This bureau will enforce the Act’s qualifications and continuing education requirements and issue regulations to implement the new statutory mandate. The annual information</p>

¹ Stats. 2006, chapters 490–493 (respectively, SB 1116 (Scott); SB 1550 (Figueroa); SB 1716 (Bowen); and AB 1363 (Jones)).

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statements that Probate Code section 2342 requires private professional guardians and conservators to file with the courts that appointed them, of which these forms were designed to be a part, will no longer be required.

However, Probate Code section 2342, rules 7.1010 and 7.1060, and forms GC-005 and GC-006 will continue to apply to private professional guardians and conservators until July 1, 2008. Changes in the rules and the forms are appropriate to ease the transition to the licensure provisions of the Act in the 18-month period from January 1, 2007 to July 1, 2008.

Rules 7.1010 and 7.1060 have already been amended, effective January 1, 2007. Copies of the amended rules are attached for your information. This Invitation to Comment addresses changes proposed in forms GC-005 and GC-006 that would conform to the changes in the amended rules.

Form GC-005

Item 6b on page 4 of this form would be modified to reflect the change in amended rules 7.1010(d)(2) and 7.1060(d)(2) that will permit professional fiduciaries who must take the fiduciary management course described in rules 7.1010(b)(3)(B) and 7.1060(b)(3)(B) to do so in 2007 and file proof of compliance by July 1, 2007, instead of before the end of 2006.²

The text of the Notice on page 1 of the form would be revised to increase its clarity. The order of items 2 through 5 of the form would be changed to make item 3 in the revised form (item 2 in the original form), concerning a previously filed declaration, easier to understand. The instructions for this item would also be changed for the same purpose. No substantive changes would be made by these revisions.

The request for a fiduciary's current age would be deleted from the personal information item (item 4 of the revised form, on page 2; item 3 of the original form on page 1). The fiduciary's current age is

² The fiduciary management course approved by the Administrative Office of the Courts is the course in fiduciary management for conservators, offered by University Extended Education, California State University, Fullerton. Rules 7.1010(b)(3)(B) and 7.1060(b)(3)(B) have been amended to specifically identify this course as an authorized course. The course is offered at the university and statewide over the Internet.

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unnecessary because his or her birth date must be stated.

Form GC-006

The form designed to show compliance with the continuing education provisions of rules 7.1010 and 7.1060 would be modified in its introductory notice text. The second paragraph of that text would be changed to refer only to the continuing education completed in 2007. Both the annual information statement required by Probate Code section 2342 and the continuing education requirements of the rules will become inoperative on July 1, 2008. No information statements will be required to be filed with appointing courts for years after 2007. However, the amended form would require professionals whose annual statement filing deadline falls after July 1, 2008 to file the statement showing compliance with the 2007 continuing education requirements of rules 7.1010 and 7.1060.

These rules require 15 hours of continuing education each calendar year, of which at least 5 hours must be in subjects appropriate for a guardian or conservator of the person, 5 hours in subjects appropriate for a guardian or conservator of the estate, and 1 hour in fiduciary ethics. The amended rules will be repealed by their terms on July 1, 2008. No changes in the continuing education subject and hour requirements were made in the amended rules for 2007 and for the six-month period from January 1, 2008 to July 1, 2008. In addition to any comments about forms GC-005 and GC-006, the Probate and Mental Health Advisory Committee requests public comments on whether these requirements should be retained, pro-rated or otherwise altered, or eliminated entirely for that final six-month period.

Copies of revised forms GC-005 and GC-006 are attached at pages 4–9.

The text of amended rules 7.1010 and 7.1060 of the California Rules of Court is attached at pages 10–15.

Attachments

FOR COURT USE ONLY

(Space for court address)

FILE NUMBER:

NOTICE TO COURT-APPOINTED PRIVATE PROFESSIONAL CONSERVATORS OR GUARDIANS:

Beginning with the first annual statement due after December 31, 2007, your information statement must also show compliance with the continuing education requirements of rules 7.1060(e) or 7.1010(e) for the previous calendar year. You must complete and file a *Declaration of Private Professional Conservator or Guardian—Continuing Education* (form GC-006) with your information statement for that purpose.

states as follows:

Cell (optional):

Conservator or Guardian—Qualifications (form GC-005). Except as otherwise stated in this declaration, each of the statements made in that declaration are still true and correct as of the date of this declaration. All information requested of me in this declaration was provided by me in that previously filed declaration.

GC-005

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 60%;"> <p>DECLARATION OF PRIVATE PROFESSIONAL</p> <p><i>(Name):</i></p> </div> <div style="width: 35%; text-align: center;"> <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN </div> </div> <p style="text-align: center; margin-top: 10px;">CONCERNING QUALIFICATIONS FOR APPOINTMENT</p>	<p>FILE NUMBER:</p>
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4. ☐ **Personal information** (complete unless item 3 applies):

- a. Date of birth: _____ b. Height: _____ c. Weight: _____ d. Eye color: _____
e. California driver's license or DMV identification: _____ f. Social security number: _____

5. ☐ **Education and experience** (Complete unless item 3 applies. You must show that you have satisfied at least one of items 5a through 5e. Check all that apply. If you do not satisfy item 5c, you must also complete item 6.)

I have:

- a. ☐ (1) A four-year undergraduate degree or equivalent from the following institution, an accredited educational institution within the meaning of rule 7.1060 or 7.1010:
(a) Institution:

- (b) Degree (*describe*):
- (c) Date awarded:

(2) AND one or more of the following:

- (a) ☐ A minimum of two years' employment experience in a position and with an entity described in rule 7.1060(b)(2)(A)(i) or 7.1010(b)(2)(A)(i), as follows:

Employer (name and type of entity or firm):

Position and responsibilities (*describe*):

Inclusive dates of employment:

- ☐ Continued on Attachment 5a(2)(a).

- (b) ☐ A minimum of two years' experience as a court-appointed conservator or guardian of the person or estate of an adult or a minor, as follows:
Appointing court (*name of court, and state and county or other district designation*): _____

Case number:

Inclusive dates of appointment:

Name of conservatee or ward:

- ☐ Continued on Attachment 5a(2)(b).

- (c) ☐ A certificate as a paralegal from an accredited educational institution and a minimum of two years' employment as a paralegal with a primary emphasis in a probate-related area of practice, as follows:

Certifying institution (*specify*):

Employer (name):

Paralegal duties (*describe*):

Inclusive dates of employment:

- ☐ Continued on Attachment 5a(2)(c).

- b. ☐ (1) A two-year undergraduate degree or equivalent in a behavioral science, or in business, nursing, or accounting from the following institution, an accredited educational institution within the meaning of rule 7.1060 or 7.1010:

- (a) Institution:
- (b) Degree (*degree*):
- (c) Date awarded:

DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN (Name): _____ CONCERNING QUALIFICATIONS FOR APPOINTMENT	FILE NUMBER: _____
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5. b. (2) AND one or more of the following:
- (a) ☐ A minimum of five years' employment experience in a position and with an entity described in rule 7.1060(b)(2)(A)(i) or 7.1010(b)(2)(A)(i), as follows:
- Employer (*name and type of entity or firm*): _____
- Position and responsibilities (*describe*): _____
- Inclusive dates of employment: _____
- ☐ Continued on Attachment 5b(2)(a) .
- (b) ☐ A minimum of five years' experience as a court-appointed conservator or guardian of the person or estate of an adult or a minor, as follows:
- Appointing court (*name of court, and state and county or other district designation*): _____
- Case number: _____ Inclusive dates of appointment: _____
- Name of conservatee or ward: _____
- ☐ Continued on Attachment 5b(2)(b) .
- (c) ☐ A certificate as a paralegal from an accredited educational institution and a minimum of five years' employment as a paralegal with a primary emphasis in a probate-related area of practice, as follows:
- Certifying institution (*specify*): _____
- Employer (*name*): _____
- Paralegal duties (*describe*): _____
- Inclusive dates of employment: _____
- ☐ Continued on Attachment 5b(2)(c)
- c. ☐ Been appointed, qualified, and acted as conservator of the person, the estate, or both, or guardian of the estate or the person and estate of at least 10 persons in the state of California in the five-year period immediately preceding January 1, 2006. The names of the conservatees or wards, the appointing courts and case numbers, and the dates of my appointment as conservator or guardian are stated in Attachment 5c to this declaration.
- d. ☐ A current active license in good standing, or an inactive license that was current, active, and in good standing within five years of January 1, 2006 or my appointment as a conservator or guardian by this court, whichever is later, in the California profession identified below. This license was neither revoked nor resigned or surrendered with proceedings for revocation pending (*specify license and license number or other identification*): _____
- (1) ☐ Attorney at law.
- (2) ☐ Certified public accountant
- (3) ☐ Educational psychologist
- (4) ☐ Licensed clinical social worker
- (5) ☐ Marriage and family therapist
- (6) ☐ Physician or surgeon
- (7) ☐ Psychologist
- (8) ☐ Registered nurse
- License number or other identification: _____
- e. ☐ Experience as a retired judge or justice of a California trial or appellate court, or a commissioner or juvenile court referee who was employed by a California court on a full-time basis at the time of retirement.
- Judicial officer position: _____
- Court: _____
- Retirement date: _____

CONFIDENTIAL—FOR COURT USE ONLY

GC-005

DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN (Name): CONCERNING QUALIFICATIONS FOR APPOINTMENT	FILE NUMBER:
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6. ☐ **Certificate in professional fiduciary management** *(Unless item 3 applies, you must complete this item if you qualify for appointment under item 5a, 5b, 5d, or 5e of this form, but not under item 5c (prior experience as an appointed conservator or guardian in California in 10 matters within five years before January 1, 2006).)*
- a. ☐ I have completed an educational program in professional fiduciary management for guardians or conservators approved by the California Administrative Office of the Courts and have received a certificate or its equivalent.
- (1) Educational institution:
- (2) Certificate received:
- (3) Date completed:
- b. ☐ **(2006 and 2007 only)** I will complete an educational program in professional fiduciary management for guardians or conservators approved by the California Administrative Office of the Courts during 2006 or the first six months of 2007, and will supplement this declaration with proof of completion before July 1, 2007.
7. ☐ **Pre-2006 appointments as private professional conservator or guardian** *(unless item 3 applies, you must complete this item if: (1) you were appointed and qualified as a conservator, or as a guardian of the estate or the person and estate, in one or more matters in this court before January 1, 2006 in your capacity as a private professional conservator or guardian; and (2) you do not qualify as a private professional conservator or guardian under any of the alternatives described in items 5a–5e of this form.)*
- a. I was appointed and qualified before January 1, 2006 as a private professional fiduciary and am currently acting in the following matters in this court, as a ☐ conservator ☐ guardian of the estate or the person and estate.
- | | <u>Case Name</u> | <u>Case Number</u> | <u>Dates Appointed and Qualified</u> |
|-----|------------------|--------------------|--------------------------------------|
| (1) | | | |
| (2) | | | |
| (3) | | | |
| (4) | | | |
| (5) | | | |
- ☐ Continued on Attachment 7a.
- b. ☐ I would be willing to continue as conservator or guardian of the estate or the person and estate, on conditions approved by the court, in ☐ all of the matters listed in item 7a ☐ the following matters:
- | | <u>Case Name</u> | <u>Case Number</u> |
|-----|------------------|--------------------|
| (1) | | |
| (2) | | |
| (3) | | |
- ☐ Continued on Attachment 7b.
- c. I understand that I cannot be appointed as a private professional conservator or guardian on any new matters in this court until I qualify under one of the alternatives described in items 5a–5e of this form, and that I must ask the court for permission to resign in any pending matter in which I do not desire to remain as conservator or guardian.
8. ☐ **Additional information required by court** Additional information required by this court is ☐ filed with this form ☐ contained in Attachment 8.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements made in all attachments, is true and correct.

Dated: _____

(TYPE OR PRINT NAME)	 (SIGNATURE)
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GC-006

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF

FOR COURT USE ONLY

(Space for court seal,
if desired)

(Space for court address)

FILE NUMBER:

DECLARATION OF PRIVATE PROFESSIONAL ☐ CONSERVATOR ☐ GUARDIAN
CONCERNING CONTINUING EDUCATION FOR THE _____ CALENDAR YEAR

NOTICE: In 2007, each private professional conservator or guardian, as defined in Probate Code section 2341 and rules 7.1060(a)(6) (conservators) and 7.1010(a)(5) (guardians) of the California Rules of Court, must complete a minimum of 15 hours of continuing education from authorized providers listed or described in rules 7.1060(f)(2) and 7.1010(f)(2). (See rules 7.1060(e) and 7.1010(e).) A minimum of 5 hours must be in subjects appropriate for a conservator or guardian of the person, a minimum of 5 hours each year must be in subjects appropriate for a conservator or guardian of the estate, and a minimum of 1 hour per year must be in fiduciary ethics. If you are both a private professional conservator and a private professional guardian, a minimum total of 15 hours of continuing education will satisfy both rules, but you still must satisfy the 5-hour appropriate-subject minimum requirements for both conservators and guardians. You must also satisfy the 5-hour appropriate-subject minimum requirements for conservator or guardian of the person even if you are appointed only as a conservator or guardian of the estate.

With the first statement due after December 31, 2007, including statements that are due after July 1, 2008, each private professional conservator or guardian must state under penalty of perjury in each annual information statement filed with an appointing court that he or she has complied with the continuing education requirements of rule 7.1060(e) or 7.1010(e) for 2007. Use this form for that purpose. Complete and sign this form and file it with the court as part of your annual information statement. One declaration is sufficient if you are both a private professional conservator and a private professional guardian.

You must retain certificates of attendance or other proof of participation in continuing education required by rule 7.1060(e) or 7.1010(e) for a period of three years after the end of 2007. This court may at any time during that three-year period require you to produce proof of compliance with the continuing education requirements of these rules for that year, in a manner satisfactory to the court.

Declarant (name):

states as follows:

1. During calendar year _____ I completed a total of (specify): _____ hours of continuing education from authorized providers, as follows:

a. Subjects appropriate for a ☐ conservator of the person ☐ guardian of the person:

ProviderSubjectHours

☐ Continued on Attachment 1a.

Subtotal hours: _____

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GC-006

DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN (Name): _____ CONCERNING CONTINUING EDUCATION	FILE NUMBER: _____
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1. b. Subjects appropriate for a ☐ conservator of the estate ☐ guardian of the estate (specify):

<u>Provider</u>	<u>Subject</u>	<u>Hours</u>

☐ Continued on Attachment 1b.

Subtotal hours: _____

c. Fiduciary ethics (specify):

<u>Provider</u>	<u>Course Title</u>	<u>Hours</u>

☐ Continued on Attachment 1c.

Subtotal hours: _____

d. **Total hours** (specify, including hours of self-study and service as an instructor): _____

2. ☐ My continuing education includes _____ hours of self-study under the supervision of an eligible continuing education provider that meets the requirements of rule 7.1060 or 7.1010, as follows (specify):

<u>Provider</u>	<u>Subject</u>
-----------------	----------------

☐ Continued on Attachment 2.

3. ☐ My continuing education includes _____ hours as an instructor in a continuing education course that satisfies the requirements of rule 7.1060 or 7.1010, as follows (specify):

<u>Provider</u>	<u>Subject</u>
-----------------	----------------

☐ Continued on Attachment 3.

4. I have certificates of attendance or other proof of participation in the continuing education described above, which I will produce for the court on request.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements made in all attachments, is true and correct.

Dated: _____

(TYPE OR PRINT NAME)	 (SIGNATURE)
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Rules 7.1010 and 7.1060 of the California Rules of Court are amended, effective January 1, 2007, to read:

Rule 7.1010. Qualifications and continuing education requirements for private professional guardians

(a) * * *

(b) Qualifications for appointment

(1) * * *

(2) * * *

(3) Has either:

(A) * * *

(B) Received the Certificate in Fiduciary Management for Conservators from University Extended Education, California State University, Fullerton, or a certificate from an equivalent program in professional fiduciary management for guardians or conservators from an accredited educational institution approved by the Administrative Office of the Courts; Successfully completed a program of education approved by the Administrative Office of the Courts and received a certificate or its equivalent in professional fiduciary management for guardians or conservators; and

(4) * * *

(c) * * *

(d) Transitional provisions for qualifications

(1) *Completion of education requirements in 2006 and 2007*

(A) During 2006 and 2007, the court may, in the exercise of its discretion, appoint as guardian of the estate, or of the person and estate, of an unrelated minor a private professional guardian who does not satisfy the prior experience requirement of (b)(2)(C) or the education requirement of (b)(3)(B) on the date of appointment.

1
2 (B) A private professional guardian appointed under (A) must
3 complete the education requirement of (b)(3)(B) and provide a
4 certificate or other proof of completion satisfactory to the court
5 before ~~January~~ July 1, 2007.

6
7 (C) * * *

8
9 (2) *Guardianships pending on January 1, 2006*

10
11 (A) The court may, in the exercise of its discretion, permit a private
12 professional guardian who was appointed and qualified as a
13 guardian of the estate, or the person and estate, of an unrelated
14 minor before January 1, 2006, to continue as guardian after that
15 date on conditions approved by the court, although the guardian
16 does not on that date satisfy the qualifications specified in
17 (b)(2), ~~(A) — (E)~~

18
19 (B) * * *

20
21 (e) * * *

22
23 (f) **Approved eligible continuing education providers**

24
25 (1) * * *

26
27 ~~(2) — Effective January 1, 2008, continuing education providers and courses~~
28 ~~must be approved by the Administrative Office of the Courts.~~

29
30 ~~(3)~~(2) Continuing education completed in ~~calendar year~~ 2007 and through
31 June 30, 2008 complies with the requirements of this rule if it addresses
32 the subjects required by this rule, is certified for continuing education
33 credit by the provider in accordance with the requirements of
34 subdivision (g), and is provided by:

35
36 (A)—(L) * * *

37
38
39 (g) **Requirements for continuing education providers**

40
41 Each continuing education provider must:

42
43 (1) * * *

1 (2) Monitor and evaluate the quality of courses, curricula, instructors, and
2 instructor training; and

3
4 (3) Keep records of attendance or self-study and distribute to each
5 participant a certificate of completion that identifies the education
6 provider and documents the subject taught, the number of hours of
7 education offered, and the number of hours the participant completed;
8 and

9
10 ~~(4) Be approved under (f)(2).~~

11
12 **(h) Proof of compliance**

13
14 (1) *Qualifications*

15
16 Every private professional guardian must demonstrate, under penalty of
17 perjury, his or her qualifications under (b) in his or her information
18 statement filed with the clerk of each appointing court under Probate
19 Code section 2342, beginning with the first statement filed after the
20 effective date of this rule and annually thereafter, through June 30,
21 2008.

22
23 (2) *Continuing education*

24
25 (A) Every private professional guardian must declare, under penalty
26 of perjury, that he or she has complied with the continuing
27 education requirements under (e) for the previous calendar year in
28 each ~~his or her~~ annual statement filed with the clerk of each
29 appointing court after December 31, 2007 under Probate Code
30 section 2342, ~~beginning with the first statement filed after~~
31 ~~December 31, 2007, and annually thereafter.~~

32
33 (B) Every private professional guardian must retain certificates of
34 attendance or other proof of participation in continuing education
35 required by this rule for a period of three years after the end of
36 each year of education completed under this rule. An appointing
37 court may require a private professional guardian to produce, in a
38 manner determined by the court, proof of compliance with the
39 requirement for any year at any time within that three-year period.

40
41 (3) * * *

42
43 **(i)-(j)** * * *

1 **(k) Expiration date**

2
3 This rule is repealed effective July 1, 2008.

4
5 **Rule 7.1060. Qualifications and continuing education requirements for**
6 **private professional conservators**

7
8 **(a) * * ***
9

10 **(b) Qualifications for appointment**

11
12 Except as otherwise provided in this rule, effective January 1, 2006, a court
13 may not appoint a private professional conservator as conservator of an
14 unrelated person unless on the date of the order of appointment the private
15 professional conservator:

16
17 (1) * * *

18
19 (2) * * *

20
21 (3) Has either:

22
23 (A) * * *

24
25 (B) Received the Certificate in Fiduciary Management for
26 Conservators from University Extended Education, California
27 State University, Fullerton, or a certificate from an equivalent
28 program in professional fiduciary management for guardians or
29 conservators from an accredited educational institution approved
30 by the Administrative Office of the Courts; Successfully
31 completed a program of education approved by the
32 Administrative Office of the Courts and received a certificate or
33 its equivalent in professional fiduciary management for guardians
34 or conservators; and

35
36 (4) * * *

37
38 **(c) * * ***
39

40 **(d) Transitional provisions for qualifications**

41
42 (1) *Completion of education requirements in 2006 and 2007*
43

1 (A) During 2006 and 2007, the court may, in the exercise of its
2 discretion, appoint as conservator of an unrelated person a private
3 professional conservator who does not satisfy the prior experience
4 requirement of (b)(2)(C) or the education requirement of
5 (b)(3)(B) on the date of appointment.
6

7 (B) A private professional conservator appointed under (A) must
8 complete the education requirement of (b)(3)(B) and provide a
9 certificate or other proof of completion satisfactory to the court
10 before ~~January~~ July 1, 2007.
11

12 (C) The court must remove a private professional conservator
13 appointed under (A) who fails to timely comply with (B).
14

15 (2) * * *

16
17 (e) * * *

18
19 **(f) Approved eligible continuing education providers**
20

21 (1) * * *

22
23 ~~(2) Effective January 1, 2008, continuing education providers and courses~~
24 ~~must be approved by the Administrative Office of the Courts.~~
25

26 ~~(3)~~(2) Continuing education completed in ~~calendar year~~ 2007 and through
27 June 30, 2008 complies with the requirements of this rule if it addresses
28 the subjects required by this rule, is certified for continuing education
29 credit by the provider in accordance with the requirements of (g), and is
30 provided by:
31

32 (A)–(L) * * *
33

34 **(g) Requirements for continuing education providers**
35

36 Each continuing education provider must:
37

38 (1) * * *

39
40 (2) Monitor and evaluate the quality of courses, curricula, instructors, and
41 instructor training; and
42

- 1 (3) Keep records of attendance or self-study and distribute to each
2 participant a certificate of completion that identifies the education
3 provider and documents the subject taught, the number of hours of
4 education offered, and the number of hours the participant completed;
5 and

6
7 ~~(4) Be approved under (f)(2).~~
8

9 **(h) Proof of compliance**

10
11 (1) *Qualifications*
12

13 Every private professional conservator, under penalty of perjury, must
14 demonstrate his or her qualifications under (b) in his or her information
15 statement filed with the clerk of each appointing court under Probate
16 Code section 2342, beginning with the first statement filed after the
17 effective date of this rule and annually thereafter, through June 30,
18 2008.
19

20 (2) *Continuing education*
21

22 (A) Every private professional conservator must declare, under
23 penalty of perjury, that he or she has complied with the
24 continuing education requirements under (e) for the previous
25 calendar year in ~~his or her~~ each annual statement filed with the
26 clerk of each appointing court after December 31, 2007 under
27 Probate Code section 2342, ~~beginning with the first statement~~
28 ~~filed after the effective date of this rule, and annually thereafter.~~
29

30 (B) * * *

31
32 (3) *Report of noncompliance to the Statewide Registry*
33

34 If an appointing court determines that a private professional
35 conservator has failed to comply with the qualification or continuing
36 education requirements of this rule, the court clerk must forward a copy
37 of the court's determination to the Statewide Registry under Probate
38 Code section 2850(d).
39

40 **(i) Waiver of continuing education**
41

42 Notwithstanding any other provision of this rule, a court may, on ground of
43 hardship, waive the continuing education requirements of (e), in whole or in

1 part and under conditions satisfactory to the court, for any private
2 professional conservator appointed by the court.
3

4 **(j) Expiration date**
5

6 This rule is repealed effective July 1, 2008.